

All corrections to notes on this calendar must be filed no later than 12 P.M. (noon) on 3-3-05. Documents filed after this time will not be reviewed before the hearing and will likely result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00359

CASE NAME: MTR OF MARGARET ELIZABETH MCMASTER

HEARING:

OSC re: Failure file Accting/Suspension of Conservator

COUNSEL:

SUE ELLEN MCMASTER (CPE)...

MARGARET ELIZABETH MCMASTER (CEP)...

CAROL L WINTERS (TP)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON O.S.C. re failure to file accounting/suspension of Conservator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At the time of the accounting, after the death of the Conservatee, it was determined that litigation was pending concerning the care of the Conservatee. It was determined that a final accounting needed to be filed following that litigation. No final accounting has been filed. Court set the matter for O.S.C. re failure to file and O.S.C. re suspension. It should also be noted that the Conservator failed to keep the bond current. It is not known if she ever paid the premium.
2. Clerk gave notice of this hearing.

RECOMMENDATION:

In the event the court wishes to remove the Conservator the court should issue a citation and order it personally served on the Conservator. The court should also require notice to the bonding company.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00368

CASE NAME: *MF* MATTER OF FLORENCE J NAHAY

HEARING:

Accounting Review

COUNSEL:

TERRENCE M NAHAY	(CPE)...DAVID W BROWN
FLORENCE NAHAY	(CEP)...ANNE E LEWIS
WALTER NAHAY	(PET)...PRO/PER

GENERAL INFORMATION: covers 8-1-03 through 10-31-04. Continued from 1-7-05. The only new thing filed is a substitution of attorney wherein David Brown is substituted in as the attorney of record for the petitioner.

THIS CASE IS SET FOR HEARING ON accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. A supplemental inventory and appraisal has been filed that is unacceptable. The document is covered with cross-overs and writings in addition to the typewritten material. It cannot be determined from the document when these writings were placed on the document and if the verification of the document also applies to the writings. The document appears to be a work sheet rather than a finished product. File a proper supplemental inventory and appraisal.
3. The bank and security statements do not properly reflect the property on hand in the accounting. Some of the statements are not for the correct dates. Some of the statements do not match the account numbers on the property on hand schedule.
4. Petitioner is requesting \$1,000 in fees. Petitioner indicates that he spent 300 hours in the care of the Conservatee and her estate. The amount is not itemized.
5. Counsel is requesting \$2,000 in fees. Amount is only generally itemized.

RECOMMENDATION:

This accounting cannot proceed until the bank and security statements are for the correct months and the statements provided match the account statement numbers in the petition. Suggest the court return the bank and security statements to counsel and require that proper documents be filed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00397

CASE NAME: CONSERVATORSHIP OF ROBERT W. PRESTON

HEARING:
Accounting Review

COUNSEL:

DEBORAH E PRESTON	(PET)...PRO/PER
ROBERT W PRESTON	(CTE)...JOHN C SPAHN
GREGORY G PRESTON	(PET)...PRO/PER

GENERAL INFORMATION: Continued from 11-19-04. Clerk has given notice. At the hearing on 11-19-04 the court was informed that the Conservatee is now deceased.

THIS CASE IS SET FOR HEARING ON accounting review by Conservator Deborah Preston.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed.
2. Conservator filed a request to continue the matter until after the Christmas holidays. She indicates that she has had personal problems and has not been able to complete the accounting. That request was granted.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00406

CASE NAME: MTTR OF LEONILA MAMON

HEARING:

Hearing Re: INVENTORY/APPRAISAL/ACCOUNTING REVIEW.

COUNSEL:

JOHNNIE MAMON (PET)...PRO/PER

LEONILA MAMON (CEP)...

GENERAL INFORMATION: This matter has been continued 4 times for filing of inventory and appraisal and for filing of letters. No letters filed to date. On 1-7-05 the court was informed that the Conservatee died on 11-16-04. Court will need a final accounting.

THIS CASE IS SET FOR HEARING ON O.S.C. re removal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No letters have ever issued. Court has waived bond so there is no bonding company to notice.

RECOMMENDATION:

Require that Conservator file a final accounting. Should the Conservator fail to comply court should set the matter for O.S.C. re contempt.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00463

CASE NAME: MTR OF KATHRYN SAMPSON

HEARING:

Petition for Appointment of Conservator

COUNSEL:

RHONDA MALINS	(PET)...	ZUMBRUNN LAW CORPORATION
DONNETTE DELEEUW	(PET)...	ZUMBRUNN LAW CORPORATION
KATHRYN SAMPSON	(CTP)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for limited conservatorship of the person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:.

1. This is a petition for limited conservatorship. Court must appoint counsel for the Conservatee.
2. File notice of hearing and proof of service.
3. File return of citation.
4. File medical declaration attesting to the fact that the Conservatee cannot attend the hearing.
5. Need Inland Regional Center report.
6. Need Court Investigator report.
7. Petitioner is requesting some medical powers. Are these the medical powers specified under 2354 or did petitioner inadvertently neglect to check box 1(g) on the petition? Please clarify.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS20

CASE NAME: IN THE MATTER OF ROBERT FRANK SILVA

HEARING:
Accounting Review

COUNSEL:

ROBERT FRANK SILVA (CEP)...

MANUEL CARLOS (PET)...LUNDBERG & BAXTER LLP

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C. § 2620.2.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS00012

CASE NAME: IN THE MATTER OF DAVID ANDREW POLVERINI

HEARING:

Petition for Termination of Guardianship

COUNSEL:

JOHN WILLIA REID (PET)...
SHIRLEY ANN REID (PET)...
DAVID ANDREW POLVERINI (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The guardian, by way of exparte, petitioned the court to suspend guardianship for 6 months while the minor went to live with his mother in North Carolina. Petitioner indicated that if the trial suspension worked out for the minor then she would appear in court on the date of the termination hearing and request that the termination be granted.
2. File notice of hearing and proof of service in accord with the order prescribing notice.

RECOMMENDATION:

None.

SEE ALSO PAGE 9 OF THIS CALENDAR

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS00166

CASE NAME: MTR OF CASEY AARON MEINKE

HEARING:

Hearing Re: REVIEW (STATUS REPORT).

COUNSEL:

CASEY AARON MEINKE (MIN)...
RHONDA MEINKE (PLA)...DAVID W BROWN

GENERAL INFORMATION: Continued from 1-7-05. Attorney Brown appeared and was ordered to give notice. No proof of notice in the file. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Review (Status Report).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Court authorized status reports in lieu of full accountings on 1/6/03. Need status report filed for the period 3/1/02 through 12/31/04.
2. The last accounting (third account) covered a period 12/98 through 2/28/02. The balance of the guardianship estate as of 2/28/02 (\$518,009.42) is held in a blocked account, except for periodic payments to the guardian (mother) of \$850.00 per month for the care of the minor child.

RECOMMENDATION:

Court must send written notice to guardian and attorney of record directing that the status report be filed. Set hearing within 60 days. If the status report is not timely filed, then Court may wish to order accounting be filed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS00426

CASE NAME: MTTR OF CODY J REID

HEARING:

Petition for Termination of Guardianship

COUNSEL:

CODY JOHN REID (PLA)...

SHIRLEY REID (PLA)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The guardian, by way of exparte, petitioned the court to suspend guardianship for 6 months while the minor went to live with his mother in North Carolina. Petitioner indicated that if the trial suspension worked out for the minor then she would appear in court on the date of the termination hearing and request that the termination be granted.
2. File notice of hearing and proof of service in accord with the order prescribing notice.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS00770

CASE NAME: MTR OF BRETT WADE DUENERMAN

HEARING:

Hearing Re: MODIFICATION OF VISITATION, VIDEO CAMERA ETC.

COUNSEL:

DEBORAH M BEAUREGARD (PET)...PRO/PER

BRETT WADE DUENERMAN II (MIN)...

DONNA LAKIN (OBJ)...THE HEGNER LAW FIRM

GENERAL INFORMATION: Continued from 12-10-04. Parties entered into a stipulation on some issues and then continued the matter to this date for further discussion of the issues. Nothing new filed.

THIS CASE IS SET FOR HEARING ON modification of visitation.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Mother requests that the order of 6-4-04 be modified so that she has visitation every weekend. Mother alleges that the guardian has not cooperated in the sharing of travel and has failed to meet her at the designated location. Mother alleges that she was denied her summer visitation. Petitioner is asking that the holiday visitation be modified, but does not indicate exactly what she is requesting. She is also requesting that she be given additional time to make up for the week she missed in the summer. Petitioner has filed a number of supporting declarations.
2. It should be noted that this petition was done on family law forms. This is improper. Family law forms are not approved by the Judicial Counsel for use in Guardianship matters.
3. Guardian has been noticed.
4. There are no objections in the file.

RECOMMENDATION: none.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01535

CASE NAME: MTR OF ANDRIANNA MICHELLE MCEACHREN

HEARING:

Petition for Termination of Guardianship

COUNSEL:

JUDY MCEACHREN (PET)...PRO/PER

FELIPE ARELLANO (PET)...PRO/PER

ADRIANNA MICHELLE MCEACHREN (MIN)...SHERRI L KASTILAHN

ADRIAN MCEACHREN (PET)...PRO/PER

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01705

CASE NAME: MATTER OF ALENA MARIE LEYVA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ANDREW J LEYVA (PET)...PRO/PER

ALENA MARIE LEYVA (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the guardian.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01742

CASE NAME: MTR OF JENNIFER LYNN EDWARDS

HEARING:

Hearing Re: PROOF GUARD IN ILLINOIS/PET FOR GUARD.

COUNSEL:

REBECCA LUCCHESI (PET)...PRO/PER

JENNIFER LYNN EDWARDS (MIN)...HARTNELL, LISTER & MOORE

PATTY HAIGH (OBJ)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON proof of guardianship in Illinois.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No proof filed.

RECOMMENDATION:

Set matter for O.S.C. re termination. Have clerk notice all relevant parties.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01766

CASE NAME: MATTER OF EVELYN, RACHEL & SERRINA SERNA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

VIRGINIA RIENTOLD MOLINA (PET)...THE HEGNER LAW FIRM

EVELYN SERNA (MIN)...

RACHEL SERNA (MIN)...

SERRINA SERNA (MIN)...

GENERAL INFORMATION: Temporary letters issued 10-27-04. Continued from 12-3-04

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by great aunt, minors 9, 8 and 6.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Mother apparently appeared and objected. There are no written objections in the file. Mother was ordered to drug test. Results are in the file. **On 12-3-04 mother was again ordered to drug test. Results are in the file.**
2. Matter referred to F.C.S. Report is in the file. **On 12-3-04 the court rereferred the matter to F.C.S. We are awaiting report.**
3. The order prescribing notice includes aunts and uncles. This is not required by the code. Did the court wish to dispense notice to these persons?
4. Father has signed consent and waiver.
5. File notice of hearing and proof of mailed service on maternal grandfather and Court Investigator.
6. Court may wish to review confidential screening form.

RECOMMENDATION:

Court may wish to order mother to file written objections.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01832

CASE NAME: MTR OF VIRGINIA LEMMONS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

WILLIE LEMMONS (PET)...PRO/PER
VIRGINIA LEMMONS (PET)...PRO/PER
BRYCE ELAINE LEMMONS (MIN)...

GENERAL INFORMATION: Temporary letters issued 2 -3-05

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minor 10 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Mother objected at the time of the exparte. Court ordered mother to drug test. We are awaiting results. Mother given visitation. No written objections in the file.
2. Court has referred the matter to the Court Investigator. We are awaiting report.
3. File notice of hearing and proof of service per order prescribing notice.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01833

CASE NAME: MTR OF PHILLIPS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

SHARON MALEKOW	(PET)...	ZUMBRUNN LAW CORPORATION
BRANDON PHILLIPS	(MIN)...	
JESSICA PHILLIPS	(MIN)...	
JAKE PHILLIPS	(MIN)...	

GENERAL INFORMATION: temporary orders granted, but temporary letters have not issued.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal aunt, minors 17, 16 and 14.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on all minors.
2. File notice of hearing and proof of mailed service on maternal grandparents and Court Investigator or file due diligence declarations.
3. Powers under Pr.C. § 2590 et seq. are granted in the court's discretion. The court cannot properly exercise its discretion in the absence of a declaration indicating what specific powers are sought and why **each** power sought is actually needed. A generalized statement of need for powers is not sufficient. Please file supplemental.
4. Petitioner requests \$10,000 bond. This amount is insufficient. Based on the information contained in the file bond should be set in the amount of \$737,000. If 2590 powers are denied then bond may be reduced by \$450,000 to \$287,000. The bond will go higher when it is determined what the annual income is from social security and the annuity. One year's income from these items must be included.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 9-2-05. Set hearing for accounting review for 4-21-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/11/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01835

CASE NAME: MTR OF SAGE FERNANDEZ & CHEROKEE A LENAU

HEARING:

Petition for Appointment of Guardian

COUNSEL:

JOHN LENAU	(PET)...PRO/PER
ALLENE R LENAU	(PET)...PRO/PER
SAGE FERNANDEZ	(MIN)...
CHEROKEE A LENAU	(MIN)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VG VS01433

CASE NAME: GUARDIANSHIP OF SAMANTHA N. VOEST, ET AL

HEARING:

Hearing Re: Setting dates for I&A and Accounting.

COUNSEL:

JO ANNE E VOEST	(PET)...	LAWRENCE J VANNI
SAMANTHA N VOEST	(MIN)...	
RHIANNON M VOEST	(MIN)...	
STEVEN J VOEST	(MIN)...	

GENERAL INFORMATION: Continued from 2-13, 4-9, 7-9, 1-7-05 and 2-4-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Setting inventory and appraisal and accounting dates.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The court approved the petition for guardianship on 8-1-03. The court did not set dates for the filing of an inventory and appraisal or an accounting due to the fact that this case needed to be coordinated with VPR 01892. That matter is on calendar in this department this date. The probate matter is set for status report and no report has been filed. Nothing new filed.

RECOMMENDATION:

Continue to trail VPR 01892.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002400

CASE NAME: ESTATE OF EDWARD JAMES NORKIN

HEARING:

Hearing Re: PETN FOR PERMANENT ADMINISTRATION.

COUNSEL:

MORGAN STANLEY DEAN WITTER CRE(PET)...ROBERT D MCKINLEY
EDWARD JAMES NORKIN (DEC)...
RITA NORKIN (OBJ)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition for permanent administration.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 10-8-04 the court appointed George Turner, of Morgan Stanley Dean Witter Credit Corp., as administrator on a temporary basis pending the filing of a competing petition and objections by the surviving spouse of the decedent. It is assumed that this means that Mr. Turner was appointed special administrator. The court ordered the petitioner to file bond in the amount of \$25,000. That bond has been filed.
2. Since the hearing addressed in number 1 above, the objector has withdrawn their objections. Petitioner now seeks to be named permanent administrator.
3. As addressed in the original notes the petitioner filed an original petition on 6-8-04. In that petition the petitioner indicated that the assets of the estate are valued at \$220,000. A "supplemental petition" was filed on 9-28-04. It is assumed that this means an amendment to the original petition. This assumption is based on the fact that not all portions of the "supplemental petition" are completed. The section dealing with assets is left blank in the "supplemental petition". It is therefore assumed that the two documents are to be read as one. Therefore bond should be set in the amount of \$220,000 or powers should be limited rather than full. If the latter preference is selected then the requested \$25,000 bond appears adequate.

RECOMMENDATION:

Recommended for approval subject to court's ruling on bond. Court has already set dates for filing of inventory and appraisal and for accounting review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002403

CASE NAME: ESTATE OF JOYCE V MILLIGAN

HEARING:

Hearing Re: REPORT OF STATUS OF ADMINISTRATION.

COUNSEL:

RONALD MILLIGAN JR (PET)...PRO/PER
JOYCE V MILLIGAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON report of status.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It does not appear that this report is due until 12-9-05. For whatever reason the petitioner has filed it at this time. The petitioner, as trustee of the Milligan trust, is the sole beneficiary of the estate. It would therefore appear that notice in compliance with Pr.C. § 12201 is not required.
2. Petitioner indicates that taxes still need to be done on this case. He requests that the estate remain open for another 6 months.

RECOMMENDATION:

Court approve the documents filed to date and confirm the accounting review/status report hearing currently scheduled for 12-9-05. Any accounting to be filed 30 days in advance of that date.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002516

CASE NAME: ESTATE OF BEVERLY A MADOLE

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

SANDRA CARTER	(PET)...	JULIA M WOOD
BEVERLY A MADOLE	(DEC)...	

GENERAL INFORMATION: continued from 12-17-04. Nothing new filed except notice of continuance.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Lyonel Madole Sr. and Barbie Mellin are named in the will, but are not on attachment 9. File supplemental.
2. Will waives bond.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 9-2-05. Set hearing for filing of status report and/or accounting for 4-21-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002554

CASE NAME: MTR OF REGINA M HARVEY

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

ROLONDO HARVEY	(PET)...	MARC S DUVERNAY
REGINA M HARVEY	(DEC)...	
DAVAUGHN POTTS	(OBJ)...	TAMI L WARREN

GENERAL INFORMATION: continued from 1-28-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to administer by surviving spouse Rolondo Harvey, with limited I.A.E.A authority and \$6,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of petition to administer estate.
2. File proof of publication.
3. File duties.
4. Petitioner requests bond of \$6,000. Minimum bond is \$10,000. Based on the petition minimum bond would appear adequate.
5. Objections and competing petition filed by surviving child of the decedent.

Competing petition filed by Devaughn Potts. Petition to administer, with full I.A.E.A authority and \$6,000 bond.

1. Petitioner requests bond of \$6,000. However petitioner requests full powers, therefore bond should be set in the amount of \$200,000.
2. Section 6(a)(2) of petition not completed. File supplemental.
3. Petition was filed after 1-1-05 and is on an outdated form. Refile with the proper form.
4. All persons listed in section 9 of the petition must be noticed.
5. Section 9 of petition does not list relationships. File verified supplemental.

6. File proof of publication.
7. Please indicate why petitioner believes they have priority.

RECOMMENDATION:

It appears that the major objection of the competing petitioner is that the decedent told her children that she wanted them to have the house. Objector alleges that the surviving spouse is not entitled to any of the assets. There is no will. Under Pr.C. § 8461 the surviving spouse has priority. The allegations that the surviving spouse is motivated by greed is generally not a basis to remove the priority of that individual. Also in the absence of a will the assets of the estate (which does not include insurance policies that have other beneficiaries named and is in fact separate property) will be divided 1/3 to surviving spouse and 2/3 to children of the decedent. (See Pr.C. § 6401 et seq.) Amount of bond will depend on who the court appoints. Set hearing for filing of inventory and appraisal for 9-2-05. Set hearing for filing of status report and/or accounting for 4-21-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002554

CASE NAME: MTR OF REGINA M HARVEY

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ROLONDO HARVEY	(PET)...	MARC S DUVERNAY
REGINA M HARVEY	(DEC)...	
DAVAUGHN POTTS	(OBJ)...	TAMI L WARREN

GENERAL INFORMATION: see preceding page.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002585

CASE NAME: ESTATE OF LOLA A SCHULENBERG

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CONNIE SUMMERS (PET)...MACCARLEY & ROSEN
LOLA A SCHULENBERG (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of petition to administer estate.
2. File proof of publication.
3. All heirs waive bond.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 9-2-05. Set hearing for filing of status report and/or accounting for 4-21-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002588

CASE NAME: ESTATE OF PATRICIA G BOOTH

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

NICOLE LYN HALL
PATRICIA G BOOTH

(PET)...CALDWELL, KENNEDY & PORTER, A.
(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and \$150,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition is filed on an outdated form. Use of current Judicial Council forms is mandatory. Refile petition on proper form.
2. Petitioner requests that bond be set in the amount of \$150,000.
3. File proof of publication.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 9-2-05. Set hearing for filing of status report and/or accounting for 4-21-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002589

CASE NAME: ESTATE OF WAYNE C MARQUARDT

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MARY P BOWEN MARQUARDT (PET)...CALDWELL, KENNEDY & PORTER, A.
WAYNE C MARQUARDT (DEC)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01540

CASE NAME: ESTATE OF GEORGE L WILLIAMS

HEARING:

Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE.

COUNSEL:

MAGGIE WARD (PET)...TERENCE A BAIRD
GEORGE L WILLIAMS (DEC)...

GENERAL INFORMATION: continued from 9-19, 11-14-03, 1-16, 7-2-04 and 12-3-04.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. We are still missing receipts from Mary Margaret Johnson, Aurell Ward and Carrie Padilla. Petitioner has also not filed a final discharge order.
2. At each of the last hearings the petitioner has filed a declaration indicating progress. No declaration has been filed for this hearing.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01633

CASE NAME: ESTATE OF ALESSANDRO CAPRARO

HEARING:

Hearing re Final Discharge

COUNSEL:

LORELLA WILLIAMS	(PET)...	STANLEY E HABERMAN
ALESSANDRO CAPRARO	(DEC)...	
LORELLA WILLIAMS	(PET)...	ROLLIN N RAUSCHEL
CELIA CAPRARO	(PLA)...	ROLLIN N RAUSCHEL
LORELLA WILLIAMS	(DEF)...	

GENERAL INFORMATION: Continued from 7-2-04 and 12-3-04. Clerk gave notice. At the time of the 12-3-04 hearing counsel failed to appear. Court ordered clerk to give additional notice. That notice was given. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01666

CASE NAME: ESTATE OF CYNTHIA ANN COOLEY WILLIAMS

HEARING:

Hearing Re: REPORT OF STATUS OF ADMINISTRATION.

COUNSEL:

DANA C WILLIAMS (PET)...BEST BEST & KRIEGER
PAM MALCOM (PET)...BEST BEST & KRIEGER
CYNTHIA ANN COOLEY WILLIAMS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting/status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service in accord with Pr. C. § 12201. Whenever a status report is filed without an accounting notice must indicate a right to an accounting in accord with Pr. C. § 10950. This form of notice is mandatory.
2. This matter came before the court on 5-7-04 for status/accounting. A report was filed, but the form of notice was improper. Notice pursuant to Pr.C. § 12201 indicating a right to an accounting is mandatory whenever the status report is filed without an accounting, as is the case here. Counsel did not appear at the 5-7-04 hearing. The court continued the matter to 7-2-04. Counsel again failed to appear. Court continued the matter to 12-10-04 and had the clerk again give notice. Counsel failed to appear or correct at the time of the 12-10 hearing. The court again continued the matter and gave notice to counsel.

RECOMMENDATION:

Set matter for O.S.C. re removal and contempt. Issue citations and have both counsel and administrator served. Clerk must also notice the bonding company of intent to remove administrator. Should the court not remove petitioner another status report is due on 5-6-05.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01892

CASE NAME: ESTATE OF TONY ANTONIUS VOEST

HEARING:

Hearing re Final Discharge

COUNSEL:

JOANNE E VOEST (PET)...MCCOLGAN & VANNI
TONY ANTONIUS VOEST (DEC)...
GREGORY M HULTGREN (TP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There appears to be some confusion as to what matters have been before the court. The minute order of 2-4-04 (see red tab) indicates that the first and final accounting was approved. The minute order then sets the matter for final discharge. No first and final accounting was ever filed. A status report was filed (see blue tab 1), which indicated that if the sale of the Los Angeles property was approved then a final accounting could be filed within 30 days (see blue tab 2).
2. The sale of the property was confirmed and the court ordered additional bond of \$500,000. The court did not set a date for proof of filing of the bond. No additional bond filed to date.

RECOMMENDATION:

Court vacate the order approving first and final account. Set matter for next status report/accounting 3-24-06. Court should set a date for proof of filing of additional bond.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01921

CASE NAME: ESTATE OF LILLIAN E BLACK

HEARING:

Hearing Re: STATUS REPORT/ACCOUNTING.

COUNSEL:

BANK OF AMERICA, N.A. (PET)...SEAVER & GILL
LILLIAN E BLACK (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final accounting already approved.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01989

CASE NAME: ESTATE OF MYRTLE LUGENE JONES

HEARING:

Hearing Re: PETITION TO APPROVE COMPROMISE OF CLAIM.

COUNSEL:

RICHARD CLARK (PET)...JONATHAN TASKER
MYRTLE LUGENE JONES (DEC)...
TERRIE JONES (PET)...
TERRIE JONES (TP)...RAPHAEL A ROSEMBLAT .

GENERAL INFORMATION: continued from 11-5-04 and 12-17-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to approve compromise of claim

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Although not stated in the petition, review of the file reveals that Robert Tracy Jones is a beneficiary under this estate. It is alleged that Jones is in jail. Petitioner, the administrator, alleges that he wishes to compromise a claim of Jones and open a bank account wherein petitioner is an additional signatory. The petition is improper for a number of reasons. First, in order to compromise a claim there must be a claim. There is none. Jones is merely a beneficiary. Second, the petition is brought pursuant to Pr.C. § 3500. This section is reserved for compromise of claims of minors and incompetents. Per the petition Jones is 41 years old and there are no allegations that he is incompetent, rather, he is merely incarcerated.
2. It would therefore appear that the code section is totally inapplicable and the petition is improper. It would appear that the proper procedure is for Mr. Jones to sign a power of attorney if he wants the administrator to be able to open an account for him. In the alternative the petitioner should turn the assets over to the County Treasurer pursuant to Pr.C. § 11850.
3. There is no proof of service in the file.

4. Counsel has requested \$1,000 in fees for the filing of this petition. As the petition is without merit it would appear that the granting of any attorney fees would be inappropriate.

RECOMMENDATION: Deny the petition and request for fees.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02015

CASE NAME: ESTATE OF JAMES M QUINN, II

HEARING:

Hearing Re: FILING OF STATUS REPORT AND/OR ACCOUNTING.

COUNSEL:

JAMES M QUINN	(PET)...	JAMES BRUCE MINTON
JAMES M QUINN II	(DEC)...	

GENERAL INFORMATION: continued from 9-24-04 and 12-17-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON status report/accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 9-24-04 the court heard a status report wherein it was stated that an additional 90 days was needed to resolve insurance proceeds issues. The court then continued the matter to 12-17-04.
2. On 12-17-04 petitioner indicated that the insurance proceeds had been received, however the accounting was not complete. Petitioner indicated that he believed that the accounting would be completed by January 15, 2005. As of 2-10-05 no accounting or status report filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02178

CASE NAME: ESTATE OF WESLEY RICHARD HAYWOOD

HEARING:

Hearing Re: PETN FOR SETTLMT OF 1ST & FINAL ACCT ETC.

COUNSEL:

DEBORAH PRIMO (PET)...DAVID W BROWN
WESLEY RICHARD HAYWOOD (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition for first and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The decedent made a number of specific bequests. The petitioner was the specific beneficiary of the real property assets of the estate. The estate remaining outside of the real property amounts to \$10,626.28. This amount does not begin to cover the other specific bequests of \$22,000, especially in light of the fact that the administrative costs must be paid from the \$10,626.28. Nonetheless, the petitioner will distribute the bequests from her share of the estate. The specific bequests would normally have begun to draw interest on 7-1-04. However, as there are no assets with which to pay interest it would appear to have abated.
2. Statutory fees are \$6,193.79. Petitioner waives fees.
3. Accounting looks ok.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and final discharge order for 4-21-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02229

CASE NAME: ESTATE OF ANDREW DAVID PARTIKA

HEARING:
Accounting Review

COUNSEL:

DENISE PARTIKA (PET)...DAVID W BROWN
ANDREW DAVID PARTIKA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02238

CASE NAME: ESTATE OF PAUL GILBERT

HEARING:

OSC re: WHY PERSONL REP SHOULD NOT BE PUNISHED FOR CONTEMP

COUNSEL:

PAULETTE GILBERT (PET)...TEDDIE J RANDALL
PAUL GILBERT (DEC)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02248

CASE NAME: ESTATE OF ERNEST WILLIAM HEYDORN

HEARING:

OSC re: FOR FILING INVENTORY & APPRAISAL

COUNSEL:

JOHN F HEYDORN (PET)...ALLEN A FALSETTI INC
ERNEST WILLIAM HEYDORN (DEC)...

GENERAL INFORMATION: continued from 2-4-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON O.S.C. re failure to file inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator. In order to sanction the administrator the court will have to have a citation personally served.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02253

CASE NAME: ESTATE OF JOSE GUADALUPE VASQUEZ SR

HEARING:

FIRST and Final Account and Report.

COUNSEL:

JUAN MANUEL VASQUEZ (PET)...GREGORY L ZUMBRUNN
JOSE GUADALUPE VASQUEZ SR (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final accounting and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$5,497. Petitioner waives fees.
2. Petitioner requests permission to withhold \$1,000 in closing costs.
3. Petitioner has reimbursed himself \$4,732.95 in costs advanced. There was initially no cash in the estate and cash only became available after the sale of the real property.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and final discharge order for 4-21-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02263

CASE NAME: ESTATE OF ELLSWORTH W KAGAN SR

HEARING:

Hearing Re: FIRST & FINAL PETITION FOR FINAL DISTRIBUTION.

COUNSEL:

ELLSWORTH W KAGAN (DEC)...
ELLSWORTH KAGAN JR (PET)...DANIEL G FELDING
DEPT OF HEALTH SERVICES RECOVE(TP)...PRO/PER

GENERAL INFORMATION: Continued from 12-3-04 and 1-14-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first and final report on waiver of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Did decedent's predeceased spouse receive health care benefits under the provisions of Chapter 7 or 8, part 3, division 9 of the Welfare and Institutions Code? The petition does not make clear if the D.H.S. claim was for the decedent only or for decedent and his predeceased spouse. File supplemental.
2. File a graduated filing fee adjustment schedule in accord with California Rule of Court, Rule 7.552(f).
3. Statutory fees are \$3,800. Petitioner waives fees.

RECOMMENDATION:

Recommended for approval subject to numbers 1 and 2. If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 4-21-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02263

CASE NAME: ESTATE OF ELLSWORTH W KAGAN SR

HEARING:

Accounting Review

COUNSEL:

ELLSWORTH W KAGAN (DEC)...

ELLSWORTH KAGAN JR (PET)...DANIEL G FELDING

DEPT OF HEALTH SERVICES RECOVE(TP)...PRO/PER

GENERAL INFORMATION: see preceding page.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02266

CASE NAME: ESTATE OF JOHN C JENSEN

HEARING:

Accounting Review

COUNSEL:

JOHN BRIAN JENSEN (PET)...JAMES BRUCE MINTON
JOHN C JENSEN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02273

CASE NAME: ESTATE OF CARL HH GRAHAM

HEARING:

Petition for FOR STLMNT OF 1ST & FINAL ACCOUNT OF ESTATE; PTN
FOR FINAL DISTRIBUTION; FOR APRVL ACCTG

COUNSEL:

DEAN A GRAHAM	(PET)...	DAVID W BROWN
CARL H GRAHAM	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$7,992.47.
2. Summary of account is off by \$1,035.53. Please explain.

RECOMMENDATION:

Recommended for approval subject to number 2. If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 4-21-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02308

CASE NAME: ESTATE OF BENJAMIN HAROLD MORRIS

HEARING:

Hearing Re: FIRST & FINAL ACCT ETC.

COUNSEL:

THOMAS A MORRIS (PET)...MARK E.RICCI
BENJAMIN HAROLD MORRIS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$1,330.06
2. Petitioner requests reimbursement of costs advanced in the amount of \$759, of which \$681 relates to travel costs to travel to California to review decedent's affairs. Request is itemized. Judge to decide if appropriate.
3. Attorney requests reimbursement of \$668.40 in costs advanced. Amount is itemized.

RECOMMENDATION:

Recommended for approval subject to court's ruling on number 2. Set hearing for filing of receipts and final discharge order for 4-21-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02346

CASE NAME: ESTATE OF JONATHAN S JESPERSEN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

KARA JESPERSEN (PET)...EDWARD G. OPERINI

JONATHAN JESPERSEN (DEC)...

STATE OF CALIF FRANCHISE TAX B(TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02357

CASE NAME: ESTATE OF AGNES MARIE CREIGHTON

HEARING:

Petition for FOR STLMNT OF 1ST & FINAL ACCOUNT OF ESTATE; PTN
FOR FINAL DISTRIBUTION

COUNSEL:

DAVID CREIGHTON (PET)...DAVID W BROWN
AGNES MARIE CREIGHTON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Statutory fees are \$6,049. Petitioner waives fees. Petitioner will pay fees from assets outside the estate.
2. Sole heir waives accounting.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and final discharge order for 4-21-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/11/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS908

CASE NAME: ESTATE OF MORRIS E SWOVELAND

HEARING:

Hearing re: SIXTH ACCOUNTING REQUIRED

COUNSEL:

VIVIAN ANDERSON (PET)...SCHOCK & SCH OCK
MORRIS E SWOVELAND (DEC)...

GENERAL INFORMATION: No file available for review.